

Message

From: Paula Maccabee [pmaccabee@justchangelaw.com]
Sent: 12/4/2015 3:31:25 PM
To: Hyde, Tinka [hyde.tinka@epa.gov]; McKim, Krista [mckim.krista@epa.gov]; Walts, Alan [walts.alan@epa.gov]; Westlake, Kenneth [westlake.kenneth@epa.gov]; Sedlacek, Michael [Sedlacek.Michael@epa.gov]
Subject: PolyMet NorthMet Proposed Section 404 Permit - Expert Opinion of Dr. Brian Branfireun on Mercury & Methylmercury

Importance: High

Dear Ms. Hyde, Ms. McKim, Mr. Walts, Mr. Westlake, Mr. Sedlacek,

Yesterday, WaterLegacy sent you Dr. Brian Branfireun's recent report on mercury and methylmercury impacts of the proposed PolyMet NorthMet copper-nickel mine project. I hope that you have had a chance to review this critical analysis.

Dr. Branfireun's expert opinion explains that there is a substantial risk that methylmercury impacts from the proposed project will be ecologically significant for downstream waters in the Partridge, Embarrass and St. Louis Rivers.

Reading his opinion, it also becomes clear that the adverse impacts from increased production and transport of methylmercury would not be subject to control through future NPDES permits. The hydrological impacts of mine drawdown and tailings seepage containment can only be addressed in the Clean Water Act Section 404 permitting process. The impacts of sulfate loading to mine site wetlands through air deposition would not be controlled by any future permit and would be exacerbated by the wetting and drying processes at the mine site that are, again, only subject to regulatory control through the Section 404 permit process.

WaterLegacy and the ecologists and physicians with whom we have consulted for many years are concerned about the adverse impacts of mercury and its organic bioaccumulative form, methylmercury on human health, as well as to aquatic life and wildlife dependent on aquatic ecosystems. I would welcome the opportunity to discuss with you, prior to December 14, 2015 the importance of EPA's role in protecting downstream waters from significant mercury and methylmercury pollution and degradation that would result from the cumulative impacts of the PolyMet project on mercury-impaired waters.

Please do not hesitate to call me at 651-646-8890 to schedule a convenient time for this discussion.

Best regards,

Paula

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